

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

219

CWP-12244-2022
Date of Decision: 05.05.2023

M/S MDD MEDICAL SYSTEM INDIA PVT. LTD.

... Petitioner

VERSUS

HARYANA MICRO AND SMALL ENTERPRISE
FACILITATION COUNCIL AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Priyanshu Kamra, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for issuance of directions to the respondents to decide the case No.1930 of 2020 which is pending before the Micro, Small and Medium Enterprises Facilitation, Council.

Learned counsel for the petitioner contends that the petitioner is engaged in the business of designing, supplying, installing, testing, commissioning and operating medical gas pipelines system as well as modular operation theatres in the prestigious government institutes and private hospitals. He contends that he had made supplies to respondents No.2 and 3 pursuant to the equipment tender dated 03.12.2016. It is contended that the petitioner had raised invoices against the said respondents and confirmed receipt of the revised bills was also received by him on 22.01.2020. However, the respondents made only part payment and the balance payment has not been

received. Numerous reminders were sent by him to the said respondents, however, taking advantage of being a State-owned entity, it has chosen not to disburse the amount in question. Consequently, proceedings under the MSMED Act, 2006 were initiated by the petitioner by moving an appropriate reference before the Micro, Small and Medium Enterprises Facilitation, Council. The same has been registered as case No.1930 of 2020. He contends that the matter has remained pending since then and no final Award/decision has been passed thereon.

Learned State Counsel, however, contends that the petitioner has himself not been appearing before the Micro, Small and Medium Enterprises Facilitation, Council and that the matter has been adjourned only on account of the non-appearance of the petitioner. It is contended that the application of the petitioner for conciliation was taken up on 15.09.2020 and response from the respondents was sought for in terms of Section 18(2) of MSMED, Act, 2006. The parties were again called on different dates for conciliation proceedings and as the conciliation proceedings failed, the dispute was referred to an empanelled Expert on 03.03.2021 to assist the Micro, Small and Medium Enterprises Facilitation, Council by submitting his report/recommendations. The report has already been submitted by the aforesaid Expert, which is now pending with the Micro, Small and Medium Enterprises Facilitation, Council for its final adjudication and decision. The matter was listed on various dates including on 29.04.2022. The petitioner has, however, not been appearing in the said matter also.

Learned State Counsel, however, contends that in case the petitioner appears before the Micro, Small and Medium Enterprises Facilitation, Council, they shall proceed with the matter in accordance with law.

In view of the above, learned counsel for the petitioner undertakes that the petitioner is ready and willing to appear before the Micro, Small and Medium Enterprises Facilitation, Council to proceed further with the matter.

Accordingly, with the consent of the parties and without commenting anything on the merits of the case, the petitioner, either in person or through counsel or any authorized representative, is directed to appear before the Micro, Small and Medium Enterprises Facilitation, Council on 12.05.2023 at 11.00 A.M., whereupon the Council shall take up the matter for further adjudication in accordance with law and pass final Order/Award as expeditiously as possible.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

05.05.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No